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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,147	12/10/2003	Hirohito Suda	246427US90	4801

22850 7590 03/29/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,147

Applicant(s)

SUDA ET AL.

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 11, 12, 15, 16 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-6, 10, 13, 14 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17, 7/7, 11/04/2
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-- are rejected under 35 U.S.C. 102(a) as being anticipated by Zalewski (WO 02/11074 A 2).

Regarding claim 1, Zalewski teaches a mobile communication terminal (mobile station associated with cover 100 which comprises an RFID transponder, page 12, line 31 to page 13, line 6) comprising: identification information receiving means (transponder) for receiving identification information from at least one mini-communicator (interrogator) which transmits predetermined identification information of its own (page 15, line 33 to page 16, line 8); cellular communication means for implementing communication with a server or another terminal via a cellular communication network (to receive SMS message far away or hours after customer leaves gas station, page 16, lines 8-16); and switching control means for receiving a switching signal for switching among a plurality of modes comprising an identification information receive mode of activating only the identification information receiving means out of the identification information receiving means and the cellular communication means, and a cellular communication mode of activating only the

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cellular communication means, and for performing a mode switching control based on the received switching signal (page 16, lines 1-21, page 17, lines 2-13).

Regarding claim 7, Zalewiki teaches relaying means for amplifying a transmitted or received radio wave of the cellular communication network communicable with the mobile communication terminal, to relay the radio wave (page 22, line 30 to page 23, line 23).

Regarding claim 8, Zalewiki teaches wherein the cellular communication means is configured to: set a transmission/reception channel for transmission/reception of the transmission information, separately from a user channel for transmission/reception of user data and a control channel for transmission/reception of a control signal, in communication via the cellular communication network, and transmit the transmission information through the use of the transmission/reception channel (page 15, line 31 to page 16, line 10).

Regarding claim 9, Zalewiki teaches server (760) capable of communication with at least one mobile communication terminal (104) having identification information receiving means for receiving identification information (705) from at least one mini-communicator (700), and cellular communication means for implementing communication with a server or another terminal via a cellular communication network, the server comprising (fig. 7): switching signal transmitting means for transmitting to the mobile communication terminal a switching signal according to a predetermined mode switching request, in order to implement switching among a plurality of modes comprising an identification information receive mode of activating only the identification

information receiving means out of the identification information receiving means and the cellular communication means, and a cellular communication mode of activating only the cellular communication means, at the mobile communication terminal (page 16, line 27 to page 17, line 13, page 22, lines 10-29).

Regarding claim 11, Zalewiki teaches a mini-communicator location database storing location information of at least one mini-communicator (page 22, lines 10-29); and location management means for receiving location information of a mini-communicator estimated and notified of by a mobile communication terminal, and for updating the mini-communicator location database by the received location information (page 22, lines 10-29).

Regarding claims 12, 16, and 20, Zalewiki teaches a communication system comprising at least one mini-communicator (700) configured to transmit predetermined identification information of its own (705); a server (760) capable of being connected to a cellular communication network (page 8, lines 26-29); and at least one mobile communication terminal (104) functioning as an aggregation point for aggregating information from the mini-communicator; wherein the mobile communication terminal comprises: identification information receiving means for receiving the identification information from the mini-communicator (page 22, lines 10-29); cellular communication means for implementing communication with the server or another terminal via the cellular communication network (page 22, lines 10-29); and switching control means for receiving a switching signal for switching among a plurality of modes comprising an identification information receive mode of activating only the identification information

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receiving means out of the identification information receiving means and the cellular communication means, and a cellular communication mode of activating only the cellular communication means, and for performing a mode switching control based on the received switching signal (page 16, line 27 to page 17, line 13, page 22, lines 10-29); wherein the server comprises: switching signal transmitting means for transmitting a switching signal according to a predetermined mode switching request to the mobile communication terminal (page 16, line 27 to page 17, line 13, page 22, lines 10-29); and wherein the switching control means of the mobile communication terminal performs the mode switching control based on the switching signal received from the server (page 16, line 27 to page 17, line 13, page 22, lines 10-29).

Regarding claim 15, Zalewiki teaches wherein at least one of the mobile communication terminal and the server further comprises authentication means for authenticating whether a mini-communicator is a qualified one (page 12, line 25 to page 13, line 6).

### ***Allowable Subject Matter***

3. Claims 2-6, 10, 13, 14, and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Heinonen et al.

US 6,418,326

07/09/2002

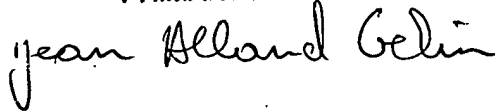
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (703) 306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
March 1, 2005

**JEAN GELIN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Jean A. Gelin".